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PATENT APPLICATION

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Annette M. Turk, Legal Assistant

May 30, 2002  
(Date)

20#  
06-10-02  


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Brad Baker

Serial No. 09/607,313

Filed: June 28, 2000

For: PAINT SET CONFECTIONERY

Examiner: L. Tran

Group Art Unit: 1761

DECLARATION OF BRAD BAKER

I, Brad Baker, do hereby declare and state as follows:

1. I am the President of Impact Confections, Inc. ("Impact") and I have held that position for 21 years. Impact is a manufacturer of candy, primarily novelty confections. The company has an active product development program which I personally oversee and to which I contribute. I am the inventor of the subject matter in the above-identified patent application. Prior to Impact, I was self-employed for three years in the novelty toy business. As a result of this employment in the candy industry since 1981, I am highly familiar with the candy market, including novelty confections, and I am aware of the factors that drive success in the market.

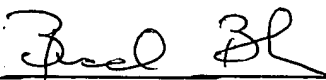
2. The product that is the subject matter of the above-identified patent application is sold under the trademark LOLLIPOP PAINT SHOP ("Paint Shop"). The Paint Shop product was introduced in 1999 and in the approximately three (3) years during which it has been marketed sales of this product have been in excess of \$50 million. This is the most successful product of Impact in its history. Thus, compared to other Impact products, Paint Shop is a commercially successful invention.

3. I also am involved in assessing the competitive position of Impact in its segment of the candy market. I attend trade shows, visit with customers, and stay abreast of competitors' activities including introduction and commercial success of competitive products. Based on my observations and experience in the candy market it is my opinion that Paint Shop is a highly successful product compared to competitive products.

4. As evidence of industry recognition, the Paint Shop product received the Professional Candy Buyer's Product of the Year Award for 1999, in the Novelty category. A copy of the article describing the award is attached.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated this 29 day of April, 2002.

  
\_\_\_\_\_  
Brad Baker



# HONORING THE BEST OF 1999

PRODUCT OF THE YEAR

*Fierce competition for 1999 honors attracted 5,000 votes, resulting in five winners and seven Merit Awards*

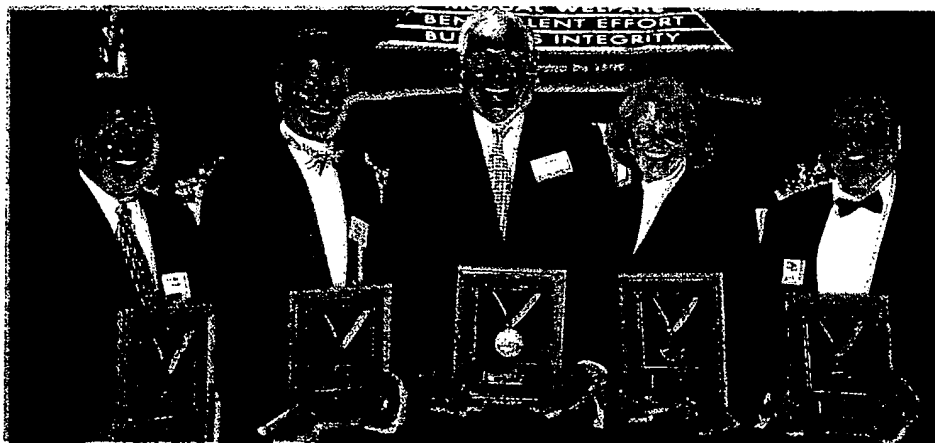
**C**LEVELAND HOSTED THE 7th Annual Professional Candy Buyer Product of the Year Awards at a black-tie gala dinner that attracted more than 250 candy industry dignitaries and guests. The event, held in conjunction with the National Confectionery Sales Association's 101st Annual Meeting and Candy Hall of Fame Induction Banquet (see page 420), honored 44 of 23

nominated products.

To present the awards, **PROFESSIONAL CANDY BUYER** Publisher Steve Forster and Associate Publisher & Editor-in-Chief Teresa Tarantino introduced each of the nominated products before revealing the winners and Merit Award recipients in each of the five product categories.

Forster told industry guests that this year's award

*Continued on page 42*



## PRODUCT OF THE YEAR WINNERS

Left to right: Tim Dunigan, Hershey Chocolate USA, Greg McCormack, Bobs Candies, Inc., Joe McEnerney, Impact Confections, Inc., Joan Sweeting, Madelaine Chocolate Novelties, Inc. and Mike Ferrotti, LifeSavers Co.

## MERIT AWARD WINNERS

Left to right: Greg Barratt, Just Born, Inc., Michael Gilmore, Ferrero USA, Inc., Meg Young, The Topps Co., Inc., Roberta Cappel, Dorval Trading Co. Ltd. and Jeff Kreidenweis, Roseville Corp. Not pictured is Leslie Coopersmith, Gyllian USA Inc.



# PROFESSIONAL CANDYBUYER

Business Magazine for Retail & Wholesale Decision-Makers

## PRODUCT OF THE YEAR

### NOVELTY WINNER



#### Lollipop Paint Shop

Impact Confections, Inc.

Continued from page 40  
program attracted record voting, with nearly 5,000 ballots cast. They were collected from buyers, brokers and suppliers, with special attention paid to candy buyers' votes.

Forster said: "The products were nominated by the magazine's readers at the end of last year. They represent items that our readers thought were worthy of special attention in that they were either new products, existing items repackaged with additional benefits or successfully offered in new promotions.

"Also nominated were existing items that broke through during 1999," he said.

From a list of more than 100 products, the top four or five products nominated in each category were put forward for reader voting, he explained.

"Competition was extremely fierce this year, and in all, the nominated products gathered nearly 5,000 votes — many more than in previous years," he said.

The five categories, he told attendees, were chocolate, non-chocolate, novelty.

Continued on page 45

### CHOCOLATE WINNER

#### Hershey's Bites

Hershey Chocolate USA



### SEASONAL WINNER

#### Bobs LifeSavers Canes

Bobs Candies, Inc.



### NON-CHOCOLATE WINNER

#### Creme Savers

LifeSavers Co.



### UPSCALE/ GOURMET WINNER

#### Chocolate Roses

Madelaine Chocolate Novelties, Inc.

